

REMARKS

Applicants thank the Examiner for her careful consideration of this application and for the helpful interview conducted on May 20, 2009 (summarized below). Reconsideration is now respectfully requested in view of the amendments above and the following remarks.

Claims 1-16 are pending in this application. Claims 1, 3 and 5 are independent claims. Claims 1-8 are amended. New Claims 12-16 are added. It is respectfully submitted that all amendments and new claims are supported by the specification as originally filed. Reconsideration and allowance of the present application are respectfully requested.

Summary of Interview Held May 20, 2009

As noted above, an interview was conducted at the U.S. Patent and Trademark Office on May 20, 2009. The interview was attended by Examiner Nadia Khoshnoodi, Supervising Primary Examiner Emmanuel Moise, and the undersigned. The specific claims discussed were Claims 1 and 9-11, and the references discussed were Droge and Ellington, Jr. et al. The main purpose of the interview was to clarify how the references were being applied in the Office Action and to obtain explanation of how the claims were being understood by the Examiner. Possible claim amendments were discussed in connection with the art-based rejections in the Office Action. The Examiner also discussed several issues regarding how some of the claims were stated, which the Examiner recommended addressing by amendment.

Claim Rejections Under 35 U.S.C. §103

Claims 1-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,016,350 to Funabe et al. (hereinafter "Funabe et al.") in view of U.S. Patent No. 7,076,651 to Droge (hereinafter "Droge"). Claims 9-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Funabe et al. and Droge as applied to Claims 1, 3 and 5, and in further view of U.S. Patent No. 6,708,218 to Ellington et al. (hereinafter "Ellington et al."). These rejections are respectfully traversed for at least the following reasons.

Claims 1 and 3 have been amended to include the recitation, "the bridge means being disposed within the apparatus, along with the encryption/decryption means." Claim 5 has been

amended to recite that the claimed “plurality of ports,” “physical layer,” “data link layer,” and “bridge means of the data link layer” are all “of the encryption/decryption apparatus.” Claim 1 has also been amended to recite, “encryption/decryption means for performing an encrypting process to apply encryption-based security and a decrypting process to remove encryption-based security on data being communicated between the terminal or network having the encrypting capability and another network or terminal coupled to one of the plurality of ports.” Claim 3 has also been amended to recite, “sending said data to another port so as to be outputted from said port to another terminal or network coupled to the other port.” Claim 5 has also been amended to recite, “outputting the encrypted data or decrypted data from a second one of the plurality of ports of the encryption/decryption apparatus through the physical layer and bridge means in the data link layer of the encryption/decryption apparatus to a second network or terminal coupled to the second one of the plurality of ports, without passing said data to a network layer in which routing is controlled.”

At pages 3 ff., the Office Action relies on Funabe et al. for disclosing most of the elements of Claims 1, 3, and 5. However, the Office Action, e.g., at page 4, admits that Funabe et al. fails to disclose or suggest “bridge means in a data link layer.” The Office Action, at page 4, relies on Droge, noting col. 6, lines 62-65, as teaching this element (the Office Action, at page 2, also cites Droge at col. 6, lines 65-67 as further supporting this; the Office Action, e.g., at page 5, also cites Droge at col. 6, lines 31-37). Applicants, while not agreeing with this, respectfully submit that Droge altogether fails to address the bridge means being disposed within the common apparatus with the other elements of Claims 1, 3, and 5 and that the apparatus including the bridge means is to be coupled between terminals or networks, in Claims 1, 3, and 5 as amended.

In particular, col. 6, lines 61-67 discuss Figure 3 of Droge, which also relates to Figure 2 of Droge. As shown in Figures 2 and 3 and discussed at cols. 4-5 of Droge, the system shown and described includes a first computer system 10 coupled to a first interface device 16, which is coupled to a network 22, which is coupled to a second interface device 24 that is coupled to a second computer system 32. Then, col. 6, lines 61-67 adds to this by stating,

data may be encrypted at a data link layer 40A of a first computer 10 and transmitted via a modem or other transmission mechanism to a first interface

device 16. At the first interface device 16, the data is packetized according to standard TCP/IP protocols and further encrypted at the network or IP layer 42A.

Droge at col. 6, lines 61-67. In other words, putting all of this together, Droge fails to show a bridge means contained within the same apparatus as encryption/decryption means (or similarly that all of the elements of Claim 5 are within the same apparatus), where the apparatus has ports (to be) coupled to two terminals or networks, as found in the claims. Rather, Droge shows a distributed system, comprising multiple apparatuses, 16 and 24, coupled through a network 22. No single apparatus has ports (to be) coupled to the two terminals, 10 and 32.

Applicants further note that, in the section of Droge quoted above, the interface device 16 is used to “packetize[data] according to standard TCP/IP protocols.” TCP/IP is a network-layer protocol, which includes routing. Therefore, it cannot be said that the interface devices 16 and 24 used in forming a bridge between terminals 10 and 32 do not pass the data to a network-layer routing protocol, as in the claims.

For at least these reasons, it is respectfully submitted that independent Claims 1, 3, and 5, as well as their dependent claims (Claims 2, 4, and 6-16) are allowable over the cited references.

Disclaimer

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

CONCLUSION

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 27592-01102-US1 from which the undersigned is authorized to draw.

Dated: June 3, 2009

Respectfully submitted,

Electronic signature: /Jeffrey W. Gluck/
Jeffrey W. Gluck
Registration No.: 44,457
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, NW
Suite 1100
Washington, DC 20006
(202) 331-7111
(202) 572-0322 (Direct Dial)
(202) 293-6229 (Fax)
Attorney for Applicant